

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: **KLUGE, et al.** Examiner: To be assigned  
Serial No.: 10/593,986 Group Art Unit: 3748  
Filed: September 25, 2006 Confirmation No. 3398  
For: Nitrogen Oxide Storage Material and Nitrogen Oxide Storage Catalyst  
Produced Therefrom

Customer No.: **23719**

PATENT TRADEMARK OFFICE

Kalow & Springut LLP  
488 Madison Avenue, 19th Floor  
New York, New York 10022

March 17, 2007

**RECEIVED**

19 MAR 2008

Legal Staff  
International Division**Mail Stop PCT**

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Office of PCT Legal Administration

**REPLY TO NOTIFICATION OF DEFECTIVE DECLARATION****Under 37 CFR 1.182**

Sir:

This is a reply in response to the Notice of Defective Declaration under 37 CFR 1.182 in the United States Designated/Elected Office dated September 17, 2007. The period set to reply to the Notice of Missing Requirements expired on November 17, 2007. Pursuant to a petition for a 4-month extension of time hereby requested under 37 CFR 1.136(a), the period set to reply to the Notice of Defective Declaration expires on March 17, 2008, and therefore this reply is timely filed. Authorization to charge all required fees is included herewith. Also enclosed with this reply are the following:

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**Certificate of Mailing Under 37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited on the date shown below with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
(Signature)Sylvia Gonzalez  
(Printed Name of Person Signing Certificate)March 17-08  
(Date)

Applicant; **KLUGE, et al**  
Serial No.: 10/593,986  
Filed: September 25, 2006  
Response to Notice to Notice of Defective Declaration/Power of Attorney  
Page 2

1. Copy of the Notice of Defective Declaration/Power of Attorney;
2. Declaration and power of attorney for the above-identified application duly executed by inventors Julianne Kluge (maiden name Theis) and Markus Kogel (with his correct address);
3. Declaration of Julianne Kluge explaining the discrepancy;
4. Copy of Ms. Kluge's Marriage Certificate;
5. Authorization to charge the deposit account 11-0171, the requisite fee of \$400.00 for petition under 37 CFR. 1.182 and \$1,640.00 surcharge for Petition for four month extension of time. The Office is also authorized to charge or credit our deposit account accordingly for any deficiency or overpayment of fees.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicant's attorney at the telephone number provided below.

Respectfully submitted,



William D. Schmidt  
Registration No.: 39,492  
Attorney for Applicant

Kalow & Springut LLP  
(212) 813-1600

**DECLARATION AND POWER OF ATTORNEY**

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter, which is claimed and for which a patent is sought on the invention entitled:

***NITROGEN OXIDE STORAGE MATERIAL AND NITROGEN  
OXIDE STORAGE CATALYST PRODUCED THEREFROM***

the specification of which

\_\_\_ is attached hereto

X was filed as U.S. Application Serial No.: 10/593,986

on September 25, 2006.

and was amended on \_\_\_\_\_ (if applicable)

and/or

X was filed as PCT International Application No. PCT/EP/2005/003080  
on 23 March 2005

and was amended on \_\_\_\_\_ (if applicable),

(the undersigned hereby authorizes its attorney to amend this document to insert the filing date and application serial number when they become known.)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information of which I am aware which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application(s) which designated at least one country other than the United States of America, identified below and have also identified below any foreign application(s) for

patent or inventor's certificate, or any PCT International application(s), having a filing date before that of the application(s) on which priority is claimed:

<u>Number</u>	<u>Country (or PCT)</u>	<u>Filing Date</u> (day/month/year)	<u>Priority Claimed</u>	
			<u>Yes</u>	<u>No</u>
10 2004 015 116.4	DE	27/March/2004	YES	

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

<u>Provisional Application No.</u>	<u>Filing Date</u> (day/month/year)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT International application(s) designating the United States of America, that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information that is material to patentability, as defined in 37 CFR Section 1.56, that became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>U.S. or PCT Application No.</u>	<u>Filing Date</u> (day/month/year)	<u>Status</u> (patented, pending or abandoned)

And I hereby appoint the attorneys of Kalow & Springut LLP associated with Customer Number:

23719

my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications that are based thereon under the provisions of the Patent Cooperation Treaty.

Please address all communications, and direct all telephone calls, regarding this application to the mailing address associated with Customer Number:

23719

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor, if any:

Juliane **KLUGE**

Citizenship:

DE

Residence Address:

Gunta-Stolzl-Straße 6

80807 München

DE

Post Office Address:

Same As Above

Date of signature 16/11/07

Inventor's signature



Full name of fourth inventor, if any:

Markus **KÖGEL**

Citizenship:

DE

Residence Address:

Wormser Landstr. 4

67346 Speyer

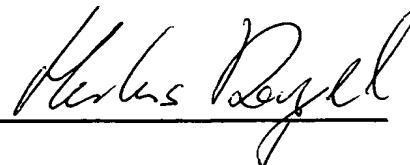
DE

Post Office Address:

Same As Above

Date of signature 11/11/07

Inventor's signature



163019.2

**PATENT**

**Umicore 0175-US**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: KLUGE, et al. Examiner: To be assigned  
Serial No.: 10/593,986 Group Art Unit: 3748  
Filed: September 25, 2006 Confirmation No. 3398  
For: Nitrogen Oxide Storage Material and nitrogen Oxide Storage Catalyst  
Produced Therefrom

Customer No.: **23719** Kalow & Springut LLP  
PATENT TRADEMARK OFFICE 488 Madison Avenue, 19th Floor  
New York, New York 10022

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

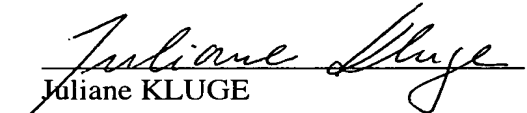
**DECLARATION OF JULIANE KLUGE**

I, Juliane KLUGE (my maiden name is Juliane THEIS), having an address at Gunta-Stölzl-Straße 6, 80807 München, Germany, hereby declare the following:

1. I am co-inventor of the above-identified application entitled "Nitrogen Oxide Storage Material and Nitrogen Oxide Storage Catalyst Produced Therefrom."
2. My maiden name is Juliane Theis. At the time of filing PCT/EP/2005/003080 on March 23, 2005, I was using my maiden name.
3. I was married on 29<sup>th</sup> May 2006, which was after the filing date of PCT/EP/2005/003080.

Applicant: Kluge et al.  
Serial No.: 10/593986  
Filed: 9/25/2006  
Declaration of Juliane Kluge – Page 2

4. After I was married, I changed my name and now use my married name, Juliane Kluge.
5. I enclose my marriage certificate.
6. In the oath and declaration filed with the U.S. Patent and Trademark Office on August 28, 2007 regarding the above-identified application, I signed my married name, Juliane Kluge instead of my maiden name Juliane Theis. This was done in error without deceptive intent.
7. All statements made herein of my own knowledge are true, and all statements made on information and beliefs are believed to be true. All statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

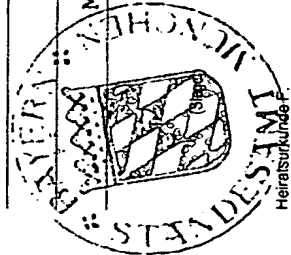
  
Juliane KLUGE

  
Date

# Heiratsurkunde

F

(Standesamt München -/- ) Nr. 1110/2006 )  
Dr.-Ing. Jörg Olaf Kluge, -/-  
 geboren am 23. März 1974 -/-  
 in Dresden -/-  
 (Standesamt Dresden Nord, jetzt Dresden -/- )  
 Nr. 153/1974 )  
 wohnhaft in München, -/-  
 und Dr.rer.nat. Juliane Ines Theis, -/-  
 geboren am 01. Dezember 1969 -/-  
 in Mexiko-Stadt, Mexiko -/-  
 (Standesamt Mexiko-Stadt, Bd. 34 Nr. 284 -/- )  
 Nr. )  
 wohnhaft in München, -/-  
 haben am 19. Mai 2006 -/- vor dem Standesbeamten des  
 Standesamts München -/-  
 -/-  
 die Ehe geschlossen.



München, den 19. Mai 2006

Der Standesbeamte

*[Signature]*

(Weißgerber)

12/409





17 SEP 2007

Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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KALOW & SPRINGUT LLP  
488 MADISON AVENUE  
19TH FLOOR  
NEW YORK NY 10022

In re Application of  
Theis et al.  
Application No.: 10/593,986  
PCT No.: PCT/EP05/03080  
Int. Filing Date: 23 March 2005  
Priority Date: 27 March 2004  
Attorney Docket No.: UMICORE 0175-US  
For: Nitrogen Oxide Storage Material And Nitrogen  
Oxide Storage Catalyst Produced Therefrom

DECISION

ENT DEPT.	
EN - ED	9/20/07
ACTION: reply to Declaration	
DUE	11/14 - 4/14/08
MO	
INITIAL	

This is in response to the correspondence filed on 28 August 2007.

DISCUSSION

This international application was filed on 23 March 2005 and claimed a priority date of 27 March 2004. The United States was designated. The International Bureau transmitted a copy of the published international application to the USPTO on 06 October 2005. The thirty month period for payment of the basic national fee in the United States expired as of midnight on 27 September 2006. On 25 September 2006, applicants filed *inter alia* the basic national fee.

On 01 June 2006, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

DISCUSSION

Inspection of the declaration of the inventors filed on 28 August 2007 reveals that it nominates "Juliane KLUGE" in place of "THEIS, Juliane" who was named in the published international application. In that this is clearly more than a mere typographic error or phonetic misspelling of applicant's name; a proper petition under 37 CFR 1.182 (including the requisite \$400.00 petition fee) is required to resolve the discrepancy in the nominated inventive entity. Such a petition should include, if appropriate, a statement by the inventor and any other individual(s) having first-hand knowledge of the specific circumstances concerning how and when the error was made and discovered, and must also state (if appropriate) that the error was inadvertent and made without deceptive intent. See MPEP § 605.04(b) and MPEP § 201.03(b). Alternatively, petitioner may wish to seek relief under 37 CFR 1.497(d) in the event that the inventive entity is sought to be changed.

It is noted that the declaration document filed on 28 August 2007 is defective for the further reason that it includes un-initialed alterations to the "Residence Address" information pertaining to Markus KOGEL.

CONCLUSION

The declaration filed on 28 August 2007 is NOT ACCEPTED, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR

1.136(a). Failure to timely reply will result in **ABANDONMENT** of this application with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration



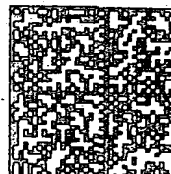
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283  
Fax: (571) 273-0459

PC 12 ep/

**KALOW & SPRINGUT LLP**  
ATTORNEYS AT LAW

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